

## SCHEDULE

### Armed Forces Code of Practice for Victims of Crime

## PART 3

### Victims' Entitlements – Entitlements for Adults

## CHAPTER 7

### Post-Trial

#### **Criminal Cases Review Commission**

**125.** On receiving an application from an offender, the Criminal Cases Review Commission undertakes reviews of convictions and sentences imposed as a result of the offender's criminal offending. The Commission may refer a conviction or sentence for a fresh appeal if there is some new information or new argument which might mean the conviction is unsafe or the sentence too long. When reviewing a case, the Commission will assess the potential impact on you and decide if you should be notified. The Commission will record the reasons for its decisions as to the form of contact with you and in appropriate cases will notify the Service police if their assistance in contacting you is required.

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#### **Commencement Information**

**I1** Sch. para. 125 in force at 16.11.2015, see [reg. 1](#)

**126.** You are entitled to be notified by the Commission if it deems there is a reasonable prospect of a review coming to your attention.

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#### **Commencement Information**

**I2** Sch. para. 126 in force at 16.11.2015, see [reg. 1](#)

**127.** If the Commission decides that is appropriate to contact you during the course of the review, the Commission will notify you that an application has been received and that the case is under review. Following the review, the Commission will decide if the conviction or sentence should be referred to the courts, and will notify you of its decision unless you have expressly asked not to be informed.

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#### **Commencement Information**

**I3** Sch. para. 127 in force at 16.11.2015, see [reg. 1](#)

**128.** If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the presumption is that the Commission will inform you of the referral.

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#### **Commencement Information**

**I4** Sch. para. 128 in force at 16.11.2015, see [reg. 1](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015, CHAPTER 7. (See end of Document for details)

**Commencement Information**

- I1** Sch. para. 125 in force at 16.11.2015, see [reg. 1](#)
- I2** Sch. para. 126 in force at 16.11.2015, see [reg. 1](#)
- I3** Sch. para. 127 in force at 16.11.2015, see [reg. 1](#)
- I4** Sch. para. 128 in force at 16.11.2015, see [reg. 1](#)

**Unwanted contact from offenders**

**129.** Persons subject to sentences of Service detention have limited access to telephone and internet facilities. If you receive unwanted contact from such a person in any form, you can report this by calling the Military Corrective Training Centre.

**Commencement Information**

- I5** Sch. para. 129 in force at 16.11.2015, see [reg. 1](#)

**130.** Prisoners are not allowed mobile phones and are allowed access to the internet only for educational purposes, employment and resettlement activities. They are not permitted to use social networking sites. If you receive unwanted contact from a prisoner in any form, you can report this by calling the National Offender Management Service Victim Helpline.

**Commencement Information**

- I6** Sch. para. 130 in force at 16.11.2015, see [reg. 1](#)

**131.** If you receive unwanted contact from an offender who is on licence (see ‘licence conditions’ in Definitions) in the community, you can contact the National Probation Service, or the police. If the offender is under 18 and being supervised by a Youth Offending Team, you can contact that Youth Offending Team to report any unwanted contact.

**Commencement Information**

- I7** Sch. para. 131 in force at 16.11.2015, see [reg. 1](#)

**Commencement Information**

- I5** Sch. para. 129 in force at 16.11.2015, see [reg. 1](#)
- I6** Sch. para. 130 in force at 16.11.2015, see [reg. 1](#)
- I7** Sch. para. 131 in force at 16.11.2015, see [reg. 1](#)

**Armed Forces Victim Contact Scheme**

**132.** The Armed Forces Victim Contact Scheme is offered to victims of offences including bereaved close relatives in cases where the offender:

- (1) receives a sentence of Service detention;
- (2) receives a sentence of imprisonment or youth custody of 12 months or more; or
- (3) has been detained in a hospital for treatment because he, or she, has a mental disorder.

**Commencement Information**

**I8** Sch. para. 132 in force at 16.11.2015, see [reg. 1](#)

**133.** If you wish to utilise this scheme you should notify the Military Corrective Training Centre. The purpose of the Armed Forces Victim Contact Scheme is to provide victims who are concerned for their safety with information keeping them informed of the key stages of the offender's sentence, such as periods of unsupervised release including Short Term Temporary Release, Re-Integration Leave, Compassionate Leave, Community Work placements, transfer to open conditions as well as release. The detail of the information provided is subject to the discretion of the Commandant of the Military Corrective Training Centre and information will not be provided in cases where there is an identified risk of harm to the offender which would result from the notification.

**Commencement Information**

**I9** Sch. para. 133 in force at 16.11.2015, see [reg. 1](#)

**134.** If you are eligible, and choose to take part in the Armed Forces Victim Contact Scheme you are entitled to the information set out in this paragraph only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay<sup>(1)</sup>:

(1) decide whether you want to receive information about key stages of the offender's sentence. In the case of an offender detained in a hospital for treatment because he or she has a mental disorder, some of the decisions about their management will be related directly to their medical treatment, and as such, will be confidential medical information;

(2) be assigned a Military Corrective Training Centre Liaison Officer who will act as your point of contact for the scheme;

(3) receive information from the Military Corrective Training Centre without unnecessary delay about the offender's Short Term Temporary Release, Re-Integration Leave, Compassionate Leave, transfer to open conditions, release on licence, or Community Work placements, or final release;

(4) be informed by the Commandant of the Military Corrective Training Centre without unnecessary delay about any orders or conditions which an offender is subject to on unsupervised release which relate to you or your family. For example, this could include an order to prevent the offender from contacting you or your family;

(5) be informed about any other information which the Commandant of the Military Corrective Training Centre considers to be appropriate in the circumstances of the case, including about key stages of the offender's sentence, or treatment in the case of a mental health patient.

**Commencement Information**

**I10** Sch. para. 134 in force at 16.11.2015, see [reg. 1](#)

**135.** If you are a bereaved close relative of the victim of an offender sentence to service detention, or to imprisonment of 12 months in prison or more for a violent or sexual offence or detained in a secure hospital for treatment, you will also be offered participation in the Armed Forces Victim Contact Scheme if there is a danger or an identified risk of harm to you.

(1) You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015, CHAPTER 7. (See end of Document for details)

**Commencement Information**

**I11** Sch. para. 135 in force at 16.11.2015, see [reg. 1](#)

**136.** If you are the parent, guardian or carer of a victim who is under 18, a vulnerable adult, or is otherwise unable to fully participate in the Armed Forces Victim Contact Scheme, then you will usually be offered participation on their behalf. However, this participation may not be offered to a parent, guardian or carer if it is considered not to be in the best interests of the victim.

**Commencement Information**

**I12** Sch. para. 136 in force at 16.11.2015, see [reg. 1](#)

**137.** In the event of a suspect escaping from custody, if there is a danger or an identified risk of harm to you, the Service Police or police, once aware of the escape or notified of it by the Military Corrective Training Centre, the prison, Youth Offending Team, hospital or immigration detention centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.

**Commencement Information**

**I13** Sch. para. 137 in force at 16.11.2015, see [reg. 1](#)

**Commencement Information**

- I8** Sch. para. 132 in force at 16.11.2015, see [reg. 1](#)
- I9** Sch. para. 133 in force at 16.11.2015, see [reg. 1](#)
- I10** Sch. para. 134 in force at 16.11.2015, see [reg. 1](#)
- I11** Sch. para. 135 in force at 16.11.2015, see [reg. 1](#)
- I12** Sch. para. 136 in force at 16.11.2015, see [reg. 1](#)
- I13** Sch. para. 137 in force at 16.11.2015, see [reg. 1](#)

**Civilian Victim Contact Scheme**

**138.** If you are the victim of a criminal offence where the offender serves a sentence of imprisonment, youth custody, or detention in hospital in Scotland, the Armed Forces Victim Contact Scheme does not apply, but the Scottish civilian procedures will apply. The contact details for that system can be obtained from the Military Corrective Training Centre.

**Commencement Information**

**I14** Sch. para. 138 in force at 16.11.2015, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015, CHAPTER 7.